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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,847	07/23/2003	Neeman Malek	UBI201	1885
26241	7590	11/18/2005	EXAMINER	
ROBERT A SEEMANN			KYLE, MICHAEL J	
89 EARL AVE				
HAMDEN, CT 06514			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/626,847	MALEK, NEEMAN
	Examiner	Art Unit
	Michael J. Kyle	3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 8-10 is/are allowed.
- 6) Claim(s) 1 and 3-7 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, and 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Annes et al (“Annes”, U.S. Patent No. 6,622,342). With respect to claim 1, Annes discloses a housing (6) adapted to move along a track (4, column 2, lines 7-10), a first elastic element (12) with ends attached to the housing and a first pulley block (16). Annes further shows a second pulley block (14) fixed against movement along the housing, and a second element (portion supporting the cord) mounted in the second pulley block, and rotatable about a first axis when the sash is rotated out of the window, when the second element is connected to the sash and the housing is mounted on the track. The housing is positioned in a window frame, and is integral to the window frame and not the sash. Annes further discloses a cord (22) connected to the first and second pulley blocks.

3. With respect to claims 3 and 4, Annes discloses a bearing surface (inner portion of 14) integrally molded in the second pulley that receives the second element. Examiner notes the limitation “integrally molded” is a process limitation in an article claim, and is given little patentable weight. As long the prior art shows a device that is capable is being made by the

claimed process (integrally molding), then the prior art device is considered to read on the claim.

As such, examiner asserts the bearing surface of Annes is capable of being integrally molded.

4. With respect to claim 6, Annes discloses the housing (6) to comprise a front wall (8), first side wall and second side wall (10, see figure 3), extending in a generally U-shape in cross section on three sides each of the elastic element (12), the first pulley block (16) and second pulley block (14). Annes further discloses means for connecting the second element (via 10, 42, and 28) to the sash. This portion extends along the first axis normal to the front wall, traversing the front wall, so that when the housing is mounted on the track for moving along the length, the means for connecting is attached to the sash, the elastic element, first pulley block and the second pulley block are enclosed by the housing and the track when the sash is parallel to the track and when the sash is rotated out of the window frame.

5. With respect to claim 7, Annes discloses means for guiding the housing in the track (26) on the second pulley block, extending lateral to the first length. The tab has a lateral dimension. As noted with respect to claim 4 above, the limitation "integrally molded" is process limitation and is given little weight.

#### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Annes. Annes discloses the housing to comprise front wall with attached first and second side walls (see figure 3), extending in a generally U-shape in cross section on three sides of each of the elastic element, first pulley block, and second pulley block. Annes further discloses means for connecting the second element to the sash extending from the first axis generally normal to the front wall so that when the housing is mounted on the window frame, the means for connecting is attached to the sash, the front wall is covered by the track, and an open side opposite the front wall faces away from the track. Annes does not disclose the open side opposite the front wall to be covered by the track.

8. Applicant's housing appears to be similar to that of Annes, except that applicant has reversed the orientation of the housing, such that an open side is covered by the track. It is considered within the level of one having ordinary skill in the art to change the orientation of an element. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Annes, such that the housing is oriented in a reversed manner (i.e. rotated 180 degrees about its longitudinal axis) as changing the orientation of a known part is known in the art. Such a change produces no new or unexpected result.

*Allowable Subject Matter*

9. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 8-10 are allowed.

*Response to Arguments*

11. Applicant's arguments with respect to claims 1 and 3-7 have been considered but are moot in view of the new ground(s) of rejection. These claims are now rejected based on the Annes patent.

*Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

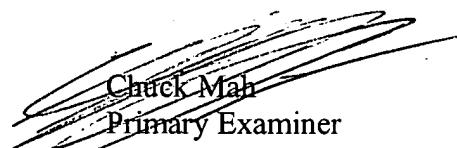
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

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15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk

  
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